

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claims 1, 20, and 16 have been amended, and new claim 22 has been added. No new matter has been submitted.

Claims 1-3, 5-16, 18-20, and 22 are pending and under consideration.

### REJECTION UNDER 35 USC 102

Claims 1, 3, 5, 9-12, 16, and 18-20 stand rejected under 35 USC 102(b) as being anticipated by Jen et al., U.S. Patent No. 6,405,277. This rejection is respectfully traversed.

The Office Action issued November 1, 2005, indicated that the claimed buffer in claims 1, 10, and 16 was being interpreted as

The Office Action indicates that Jen et al. discloses all the claimed features of independent claims 1, 10, and 16. Applicant respectfully disagrees.

It is respectfully submitted that Jen et al. at least fails to disclose the claimed wherein the detecting of the recording error further comprises comparing data stored in a buffer with the read recorded data, as recited in independent claim 1. Similar recitations, with differing scope and breadth, are also set forth in independent claims 10 and 16.

The Office Action indicates that buffer 74 of Jen et al. discloses the claimed buffer.

However, Jen et al. only sets forth that a "processor controls the data transfers between the data buffer 74 and the data recording logic 58 as well as data transfers between the data buffer 74 and external systems 76." See Jen et al. in col. 6, lines 2-6.

Accordingly, it is respectfully submitted that Jen et al. at least fails to disclose the claimed wherein the detecting of the recording error further comprises comparing data stored in a buffer with the read recorded data, as recited in independent claim 1.

Therefore, for at least the above, withdrawal of this rejection of claims 1, 10 and 16 is respectfully requested.

### REJECTION UNDER 35 USC 103

Claim 2 stands rejected under 35 USC 103 as being obvious over Jen et al., in view of Kittilson et al., U.S. Patent No. 6,078,452; claims 6, 8, 13, and 15 stand rejected as being obvious over Jen et al., in view of Yasuda et al., U.S. Patent No. 5,357,381; and claims 7 and 14

stand rejected under 35 USC 103 as being obvious over Jen et al., in view of Nguyen, U.S. Patent No. 6,611,397. These rejections are respectfully traversed.

It is respectfully submitted that claims 2, 6-8, and 13-15 are at least allowable for their dependencies from allowable independent claims, noting that none of Kittilson et al., Yasuda et al., or Nguyen disclose the aforementioned deficiencies of Jen et al.

In addition, it is briefly noted that the Office Action points out that Jen et al. fails to disclose "wherein the reserved sector of the disc is an inner radial reserved area of the disc separate from the data area of the disc," or "wherein the recording error is detected based on at least a detection of an identification (ID) of a servo sector becoming difficult due to damage to the ID of the servo sector," for which the Office Action relies upon Yasuda et al. to disclose.

However, Yasuda et al. would only appear to discuss conventional fixed and flexible magnetic discs, with FIG. 2 of Yasuda et al. illustrating an alternate area along an inner area of a flexible magnetic disc.

In Yasuda et al., there would not appear to be any discussion of temperature problems, which Jen et al. would appear primarily directed toward.

Further, the Office Action indicates that it would have been obvious to modify Jen et al. to include the claimed features "in order to improve the access speed of data recorded on a defective area of a disk medium."

However, there would not appear to be any evidence in the record that Jen et al. suffers from any access speed problems of data recorded on a defective area of a disc.

Thus, it is respectfully submitted that this rejection of claims 6 and 8 fails to meet a prima facie obviousness case both because the record is defiant of any evidenced objective suggestion or motivation for modifying Jen et al. in view of Yasuda et al. and because Jen et al. would not appear to need to be modified to "improve the access speed of data recorded on a defective area of [the] disk medium."

Therefore, for at least the above, it is respectfully requested that these rejections of claims 2, 6-8, and 13-15 be withdrawn and claims 2, 6-8, and 13-15 be allowed.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

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requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

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By:

  
Stephen T. Boughner  
Registration No. 45,317

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501